

22568. Adulteration and misbranding of vinegar and misbranding of canned black-eyed peas, canned pork and beans, and canned chili beans. U. S. v. Universal Manufacturing Co. Plea of guilty. Fine, \$220. (F. & D. no. 30307. Sample nos. 2228-A, 2229-A, 2248-A, 2422-A, 2423-A, 2424-A.)

This case was based on interstate shipments of the following products: Cider vinegar that was deficient in acidity; distilled vinegar that contained added water, was deficient in acidity, and was not labeled with a plain and conspicuous statement of the quantity of the contents; and canned black-eyed peas, canned pork and beans, and canned chili beans that were short weight.

On January 19, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Universal Manufacturing Co., a corporation, Abilene, Tex., alleging that the defendant company had shipped on or about September 3 and October 8, 1931, from the State of Texas, into the State of New Mexico, quantities of vinegar which was adulterated and misbranded; had shipped on or about November 25, 1931, from the State of Texas into the State of New Mexico a quantity of black-eyed peas that were misbranded; and had delivered for shipment from the State of Texas into the State of New Mexico, between the dates of May 12 and July 8, 1932, a quantity of distilled vinegar that was adulterated and misbranded and quantities of canned black-eyed peas, canned pork and beans, and canned chili beans that were misbranded. The articles were labeled in part, variously: "Woman's Club Apple Cider Vinegar"; "Justo Colored Distilled Vinegar Packed by Universal Manufacturing Co. Abilene Texas"; "Woman's Club Blackeyed Peas [or "Pork and Beans" or "Chili Beans"] * * * Net Contents 1 Lb Avoirdupois Packed by Universal Mfg Co. Abilene Texas."

It was alleged in the information that the apple cider vinegar was adulterated in that a product deficient in acidity for apple cider vinegar had been substituted for apple cider vinegar which the article purported to be; and that the distilled vinegar was adulterated in that a product containing an excessive quantity of added water and deficient in acidity for distilled vinegar had been substituted for distilled vinegar which the article purported to be.

Misbranding of the vinegars was alleged in that the statements, "Apple Cider Vinegar" and "Distilled Vinegar", on the respective labels were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser since they were not apple cider vinegar and distilled vinegar. Misbranding of the distilled vinegar was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the canned black-eyed peas, canned pork and beans, and canned chili beans was alleged for the reason that the statement "Net Contents 1 Lb", borne on the label, was false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser since the cans contained less than 1 pound. Misbranding of the said canned black-eyed peas, pork and beans, and chili beans was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On April 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$220.

M. L. WILSON, *Acting Secretary of Agriculture.*

22569. Misbranding of potatoes. U. S. v. Wesco Foods Co. Plea of guilty. Fine, \$50. (F. & D. no. 30310. I. S. no. 41129.)

This case was based on a shipment of potatoes represented to be United States grade No. 1 which were below the grade indicated because of excessive grade defects consisting of growth cracks, badly misshapen potatoes, shatter bruises, bad scab, cuts, growth knobs, potatoes with knobs broken off, and sunburn.

On January 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wesco Foods Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 18, 1931, from the State of Illinois into the State of Missouri, of a quantity of potatoes that were misbranded. The article was labeled, (Tag) "U. S. Grade No. 1 Potatoes."

It was alleged in the information that the article was misbranded in that the statement "U. S. Grade No. 1", borne on the tags, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since the potatoes were of a grade inferior to U. S. No. 1.

On June 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22570. Adulteration of dried grapes. U. S. v. 1,050 Cases and 1,050 Cases of Dried Grapes. Decrees of condemnation and forfeiture. One hundred cases released; remainder destroyed. (F. & D. nos. 31297, 31571. Sample nos. 37378-A, 54976-A.)

These cases involved shipments of dried grapes which were insect-infested and moldy.

On November 1 and 10, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels against 1,050 cases of dried grapes at Tacoma, Wash., and 1,050 cases at Seattle, Wash., consigned by the Federal Fruit Distributors, Fresno, Calif., alleging that the article had been shipped in interstate commerce, on or about September 2 and October 25, 1933, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. One shipment of the article was labeled in part: "Cinelli No. 1 Grade Fancy Alicante Grapes." The other shipment was labeled in part: "Buon Gusto Brand Fancy Dried Black Alicantes, Metropolitan Grocery Co., Seattle, U. S. A."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On January 9, 1934, the Federal Fruit Distributors, claimant, having admitted the allegations of the libel filed at Seattle, Wash., as to the 100 cases of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 100 cases be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that the decomposed portions thereof be destroyed. On May 21, 1934, default was entered in the case instituted at Tacoma and the court ordered the product condemned and destroyed. On June 4, 1934, the remainder of the lot seized at Seattle was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22571. Adulteration of dried grapes. U. S. v. 1,600 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31298. Sample nos. 37377-A, 45318-A.)

This case involved a shipment of dried grapes which were insect-infested and moldy.

On October 31, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,600 boxes of dried grapes at Tacoma, Wash., consigned by Memorie Fruits, Ltd., Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about October 19, 1933, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "25 Lbs. Net Cinellis No. 1 Fancy Grade Alicante Grapes."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On May 21, 1934, default having been entered against the claimant, the Federal Fruit Distributors, Fresno, Calif., and the court having heard the testimony, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the Federal Fruit Distributors pay the cost of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22572. Adulteration and misbranding of bone meal. U. S. v. Riverdale Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 31355. Sample no. 19176-A.)

This case was based on a shipment of bone meal that contained less bone phosphate of lime, less protein, less fat, and more fiber than declared on the label, and also contained undeclared calcium carbonate.

On January 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Riverdale Products Co., a corporation,